

REMARKS/ARGUMENTS

Claims 1-22 are pending in the present application. The Examiner has allowed claims 13, 14, 20, and 21. The Examiner has rejected claims 1-12, 15-19, and 22. Applicant respectfully requests reconsideration of pending claims 1-12, 15-19, and 22.

The Examiner has rejected claims 1, 4-8, 10, 15, and 18 under 35 U.S.C. § 102(e) as allegedly being anticipated by Krishnamurthy, et al, (US Patent No. 6,389,464). Applicant respectfully disagrees.

Regarding claim 1, Applicant submits the cited portions of the cited reference fail to disclose the subject matter of claim 1. For example, Applicant submits the cited portions of the cited reference fail to disclose "storing the new set of indicators in a database, wherein the database includes sets of indicators corresponding to at least one additional node in the network." While the Examiner cites "[the relational database organizes information (interpreted as storing information) into tables wherein each table has rows and each row has named columns wherein the relational database allows rows or specific columns within the rows to be selected for queries, col. 7, lines 44-50; see also col. 6, lines 58-65 describing how the relational data, when used with the MIB files, allows different kinds of device interfaces to be managed by a single manager (i.e., performing network management functions)]," Applicant does not see mention of, for example, "...wherein the database includes sets of indicators corresponding to at least one additional node in the network." Thus, Applicant submits claim 1 is in condition for allowance.

Regarding claims 4, 5, and 18, Applicant submits the cited portions of the cited reference fail to disclose the subject matter of claims 4, 5, and 18. For example, Applicant submits the cited portions of the cited reference fail to disclose "wherein each set of indicators includes indicators indicating functional support at multiple hierarchical levels within a node to which the set of indicators corresponds." While the Examiner states, "[users enter data or select options on forms in order to enter configuration data, col. 8, lines 48-51; the configuration itself indicates hierarchical levels such as device class, device number within the class, or port number of the device (claim 5), col. 11, lines 39-61]," Applicant has presented arguments for the allowability of claims from which claims 4, 5, and 18 depend. Thus, Applicant submits claims 4, 5, and 18 are also in condition for allowance.

Regarding claim 6, Applicant submits the cited portions of the cited reference fail to disclose the subject matter of claim 6. For example, Applicant submits the cited portions of the cited reference fail to disclose "wherein the set of indicators further includes physical characteristics of the node." While the Examiner states, "[users enter data or select options on forms in order to enter configuration data, col. 8, lines 48-51; the configuration itself indicates physical characteristics such as device class, device number within the class, or port number of the device, col. 11, lines 39-61]," Applicant has presented arguments for the allowability of claim 1, from which claim 6 depends. Thus, Applicant submits claim 6 is also in condition for allowance.

Regarding claims 7 and 19, Applicant submits the cited portions of the cited reference fail to disclose the subject matter of claims 7 and 19. For example, Applicant submits the cited portions of the cited reference fail to disclose "wherein performing network management functions further comprises determining routing paths in the network." While the Examiner cites, "[site server provides consolidated controls of switches, routers, and servers, col. 4, lines 20-26 and col. 18, lines 40-45; in addition, can configure alternate paths, col. 5, lines 56-59]," Applicant can find no teaching of "...determining routing paths in the network" in the cited portion of col. 4, and Applicant notes the cited portion of col. 5 discloses "alternate paths...for communicating with the managers 18 or 20," but not "routing paths." Thus, Applicant submits claims 7 and 19 are in condition for allowance.

Regarding claim 8, Applicant submits the cited portions of the cited reference fail to disclose the subject matter of claim 8. For example, Applicant submits the cited portions of the cited reference fail to disclose "wherein performing network management functions further comprises configuring path endpoints in the network." While the Examiner cites, "[site server configures system-wide parameters as well as devices and ports that connect the devices to the site server (interpreted as configuring path endpoints), col. 10, lines 48-54]," Applicant respectfully disagrees. Applicant does not see teaching as to "...configuring path endpoints...." Thus, Applicant submits claim 8 is in condition for allowance.

Regarding claim 10, Applicant submits the cited portions of the cited reference fail to disclose the subject matter of claim 10. For example, Applicant submits the cited portions of the cited reference fail to disclose "combining the set of indicators with physical characteristic information of the node to produce the set of characteristics for the node." While the Examiner cites "[physical characteristic information is interpreted as a subset of the functional characteristic, e.g., port number of

the device, col. 11, lines 39-61]," Applicant submits that the Examiner's interpretation fails to allege distinctly recited features of claim 10, namely "generating a set of indicators corresponding to the functional characteristics, wherein each indicator of the set of indicators corresponds to a particular functional characteristic" and "physical characteristic information," as the Examiner attempts to characterize "physical characteristic information" to be "a subset of the functional characteristic." However, Applicant submits such an interpretation gives no weight to the "combining..." feature, as the Examiner has not shown how the alleged combining the alleged set of indicators with an alleged "subset of the functional characteristic" would yield a result any different than that obtained according to the "generating..." feature. Thus, Applicant submits claim 10 is in condition for allowance.

Regarding claim 15, Applicant submits the cited portions of the cited reference fail to disclose the subject matter of claim 15. For example, Applicant submits the cited portions of the cited reference fail to disclose "store a received new set of indicators in a database, wherein the new set of indicators corresponds to a node in a network, wherein the database includes indicators corresponding to at least one additional node in the network, wherein the new set of indicators includes functional characteristics of the node, wherein each indicator of the new set of indicators corresponds to a particular functional characteristic." While the Examiner cites "[users enter data or select options on forms in order to enter configuration data, col. 8, lines 48-51; configuration data entry is interpreted as entering indicators for a particular functional characteristic (the functional characteristic is interpreted as the configuration of the device such as device class, device number within the class, or port number of the device, col. 11, lines 39-61)]," Applicant does not see mention of, for example, "...wherein the database includes indicators corresponding to at least one additional node in the network...." Thus, Applicant submits claim 15 is in condition for allowance.

The Examiner has rejected claims 2, 3, 11, 12, 16, 17 and 22 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Krishnamurthy, et al, (US Patent No. 6,389,464). Applicant respectfully disagrees.

Regarding claims 2, 16 and 22, the Examiner acknowledges, "Krishnamurthy et al. does not specifically disclose that the predetermined arrangement (interpreted as the table) corresponds to a functional characteristic...." The Examiner states, "However, Applicants have not disclosed that the specific placement of certain information with a table solves any stated problem or is for any particular purpose other than an optimization of a known method of placing objects/information within a table."

The Examiner further states, "...changing of the specific placement of certain objects/information within a table is interpreted as an optimum value for a known process" and cites *In re Aller*, 105 USPQ 223 (CCPA 1955). Applicant respectfully disagrees.

Regarding obviousness of ranges, Applicant notes MPEP § 2144.05 recites, in relevant part, the following:

II. OPTIMIZATION OF RANGES

A. Optimization Within Prior Art Conditions or Through Routine Experimentation

Generally, differences in concentration or temperature will not support the patentability of subject matter encompassed by the prior art unless there is evidence indicating such concentration or temperature is critical. "[W]here the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955) (Claimed process which was performed at a temperature between 40°C and 80°C and an acid concentration between 25% and 70% was held to be *prima facie* obvious over a reference process which differed from the claims only in that the reference process was performed at a temperature of 100°C and an acid concentration of 10%.); see also *Peterson*, 315 F.3d at 1330, 65 USPQ2d at 1382 ("The normal desire of scientists or artisans to improve upon what is already generally known provides the motivation to determine where in a disclosed set of percentage ranges is the optimum combination of percentages."); *In re Hoeschele*, 406 F.2d 1403, 160 USPQ 809 (CCPA 1969) (Claimed elastomeric polyurethanes which fell within the broad scope of the references were held to be unpatentable thereover because, among other reasons, there was no evidence of the criticality of the claimed ranges of molecular weight or molar proportions.). For more recent cases applying this principle, see *Merck & Co. Inc. v. Biocraft Laboratories Inc.*, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), *cert. denied*, 493 U.S. 975 (1989); *In re Kulling*, 897 F.2d 1147, 14 USPQ2d 1056 (Fed. Cir. 1990); and *In re Geisler*, 116 F.3d 1465, 43 USPQ2d 1362 (Fed. Cir. 1997).

Applicant submits *In re Aller* pertains to the chemical arts, to which the present application does not pertain. Moreover, Applicant notes the above-referenced excerpt from the MPEP describes *In re Aller* as relating to "optimum or workable ranges," not "an optimum value for a known process."

Furthermore, Applicant sees no "optimum or workable ranges" or "optimum value for a known process" recited in any of claims 2, 16, or 22. Thus, Applicant submits the Examiner's purported application of *In re Aller* to the present application is inappropriate. Accordingly, Applicant submits the Examiner has failed to make a *prima facie* showing of obviousness with respect to claims 2, 16, and 22. Therefore, Applicant submits claims 2, 16, and 22 are in condition for allowance.

Regarding claims 3, 11, 12, and 17, the Examiner acknowledges, "Krishnamurthy et al. does not specifically disclose that each set of indicators comprises a bit mapped value corresponding to a functional characteristic...." The Examiner states, "However, bit mapped values are known to those in the art." Applicant notes the Examiner fails to cite any evidence in support of such assertion. Moreover, the Examiner cites claim 12, stating "(and must be based on a bit map template – claim

12)." However, Applicant finds no mention of "bit," "map," or "template" in claim 12 of the Krishnamurthy reference. Thus, Applicant submits the Examiner has failed to make a *prima facie* showing of obviousness with respect to claims 3, 11, 12, and 17.

Regarding claim 9, the Examiner acknowledges, "Krishnamurthy et al. does not specifically disclose using packet-switched protocols such as frame relay, ATM, or other packet-switched wireless protocols (e.g., MIP)." The Examiner states, "Packet-switched protocols are well known to those skilled in the art." Applicant notes the Examiner fails to cite any evidence in support of such assertion. Thus, Applicant submits the Examiner has failed to make a *prima facie* showing of obviousness. Also, the Examiner states, "...Applicants have not disclosed that a specific packet-switched protocol solves any stated problem or is for any particular purpose other than an optimization of using a packet-switched protocol." The Examiner further states, "...changing from one packet-switched protocol to another is interpreted as an optimum value for a known process" and cites *In re Aller*, 105 USPQ 223 (CCPA 1955). Applicant respectfully disagrees.

Regarding obviousness of ranges, Applicant has cited MPEP § 2144.05 above. Applicant submits *In re Aller* pertains to the chemical arts, to which the present application does not pertain. Moreover, Applicant notes the above-referenced excerpt from the MPEP describes *In re Aller* as relating to "optimum or workable ranges," not "an optimum value for a known process." Furthermore, Applicant sees no "optimum or workable ranges" or "optimum value for a known process" recited in claim 9. Thus, Applicant submits the Examiner's purported application of *In re Aller* to the present application is inappropriate. Accordingly, Applicant submits the Examiner has failed to make a *prima facie* showing of obviousness with respect to claim 9. Therefore, Applicant submits claim 9 is in condition for allowance.

The Examiner has allowed claims 13, 14, 20 and 21. In accordance with Applicant's arguments above, Applicant submits claims 1-12, 15-19, and 22 are also in condition for allowance.

In conclusion, Applicant has overcome all of the Office's rejections, and early notice of allowance to this effect is earnestly solicited. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

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Date



Ross D. Snyder, Reg. No. 37,730
Attorney for Applicant(s)
Ross D. Snyder & Associates, Inc.
PO Box 164075
Austin, Texas 78716-4075
(512) 347-9223 (phone)
(512) 347-9224 (fax)